IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14199 of 2005

Between:

Mohd. Iqbal Islam Ali Khan, S/o. Mohd. Moinuddin Islam Alikhan,
R/o. H.No. 14-2-327, Goshamahal, Hyderabad,
occ: Business, represented by G.P.A.Holder M.Shiva Bhushan, R/o. H.No. 14-2-327, Goshamahal, Hyderabad.

..... PETITIONER

AND

1 The Special Officer & Competent Authority, Urban Land Ceilings,
O/o. The Urban Land Ceiling Dept., 3rd Floor, Chandra Vihar, Nampally,
Hyderabad.
2 The Special Officer & Competent Authority, Urban Land Ceilings, UC-I Revenue Dept., O/o. Secretariat, Hyderabad.
3 Mohd. Ameer Ali Khan, S/o. not known,
R/o. 9-4-4d/1, NFC Colony, Tolichowki, Hyderabad.
4 Mohd. Sardar Ali Khan, S/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
5 Mohd. Hyder Ali Khan, S/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
6 Mohd. Mustafa Ali Khan, S/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
7 Mohd. Farooq Ali Khan, S/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
8 Smt. Aziza Khatoon, W/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
9 Smt. Zahara Khatoon. W/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
10 Smt. Surva Sahaba Khatoon, W/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.
11 Smt. Dr. Sultana Jeevan Khatoon, W/o. not known,

R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.

12 Smt. Rabiya Khatoon, W/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.

13 Smt. Habeeba Khatoon, W/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.

14 Rahmath Khatoon, W/o. not known,
R/o. 9-4-4D/1, NFC Colony, Tolichowki, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus, directing the Respondent No. 1 to cancel his orders dated 31-12-2004 passed in proceedings conducted under Sec.8 of Urban Land (Ceiling & Rugulation) Act 1976 vide impugned proceedings Nos.B1/2253/76, B1/2254/76, B1/2255/76, B1/11799/76, B1/11800/76, B1/11951/96, B1/11952/76, B1/11953/76, B1/11954/76, B1/11955/76, B1/11956/76, B1/11957/76 and B1/11958/76 declaring the subject lands as excess land held Respondent No. 3 to 14 and proceeding further inspite of objection/complainant dated 17-1-2005 made by the petitioner and also declare the said impugned act of Respondent No. 2 in pursuing to pass regulatory orders under G.O.Ms. 445 inspite of complaint dated 17-1-2005 lodged by petitioner as unconstitutional and against the principles of natural justice as prayed for in the petition.

Counsel for the Petitioner:MR.D.V.SUDHEER KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for respondents 3 to 14: None appeared.

The Court made the following :

O R D E R:

This writ petition is filed questioning the impugned order passed by the first respondent, dated 30.12.2004, declaring the lands in S.Nos.294/1, 297/1/1, 297/2/1, 297/3/1, 298/299/1 (correlated to T.S.Nos.12,13/6 & 17 in Bloc 'N', Ward No.21) of Gudimalkapur Village, Asifnagar Mandal, Hyderabad District, as excess lands held by respondent Nos. 3 to 14, who have no title over the property.

It is the case of the petitioner that though he is the absolute owner of the said lands, the first respondent without making any verification of title of the applicants over the lands, passed the impugned order, dated 30.12.2004 and in spite of the objections raised by the petitioner, dated 17.01.2005, the second respondent is going to proceed with the matter by passing regulatory orders as per G.O.Ms.No.455, dated 29.07.2002.

When the matter came up for hearing, the learned Government Pleader submits that as the dispute between the parties is a civil dispute, the writ petition itself is not

maintainable. If the petitioner is aggrieved against the proceedings issued by the respondent authorities, the only remedy available to him is to approach the respondent authorities for re-considering the matter or file an appeal before the Commissioner under Section 33 of the Revenue Act (For short 'the Act').

In view of the above submission, the writ petition is dismissed as not maintainable. However, it is open for the petitioner to approach the concerned authorities as per the provisions of the Act. No costs.

_____ E.DHARMA RAO J.,

Dt.01.07.2005

tjs

To

1) The Special Officer & Competent Authority, Urban Land Ceilings, O/o. the Urban Land Ceiling Department, 3rd Floor, Chandra Vihar, Nampally, Hyderabad

2) The Special Officer & Competent Authority, Urban Land Ceilings, UC-I Department, O/o. Secretariat, Hyderabad.

3) 2 C.Cs to the Government Pleader for Revenue (High Court of A.P., Hyderabad, (OUT)

4) 1 C.C. to Sri Sudheer Kumar

5) C.D.Copies.